

**UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA**

IN RE: POLARIS MARKETING,  
SALES PRACTICES, AND  
PRODUCTS LIABILITY LITIGATION

18-CV-0939 (WMW-DTS)

**DEFENDANTS' MOTION TO DISMISS PLAINTIFFS'  
CONSOLIDATED CLASS ACTION COMPLAINT**

Defendants Polaris Industries Inc. and Polaris Sales Inc. (collectively, "Polaris") respectfully move this Court under Federal Rules of Civil Procedure 9(b) and 12(b)(6) to dismiss the following claims asserted by the named plaintiffs in the Consolidated Class Action Complaint [Dkt. 35] for failure to state a claim upon which relief can be granted and for failure to plead fraud with particularity:

- Alabama plaintiff James Bruner: Counts 1-6.
- California plaintiff Jose Luna: Counts 1, 7 and 10-12.
- Florida plaintiff Clint Halvorsrod: Counts 1 and 13-16.
- Georgia plaintiff Robert Lenz: Counts 1 and 17-21.
- Illinois plaintiff Michael Zeeck: Counts 1 and 22-25.
- Michigan plaintiff Chad Rogers: Counts 1 and 26-30.
- Minnesota plaintiff Richard Berens: Counts 1 and 31-35.
- North Carolina plaintiff Steve Bailey: Counts 1 and 36-40.
- Ohio plaintiff Michael Jacks: Counts 1 and 41-45.
- Texas plaintiff Bryan Forrest: Counts 1 and 46-50.

- Wyoming plaintiff Ed Beattie: Counts 1 and 51-54.
- Putative Nationwide Class (Magnuson-Moss Warranty Act): Count 1.

A more particular statement of the grounds for this motion is found in defendants' memorandum of law filed and served with this motion and incorporated by reference.

Date: August 27, 2018.

/s/ Wendy J. Wildung

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